HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 3322 of 2001 (S/S)
Sri Chandra Shekhar Satyawali
vs.
State of U.P. & others.

Approved for reporting.

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~~Not approved for reporting~~

Date of decision 4.6.2004.

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 3322 (SS) of 2001

Sri Chandra Shekhar Satyawali ..... Petitioner

Versus

State of U.P. & others .....Respondents

Sri Manoj Tiwari, Advocate for the petitioners
Standing Counsel for the respondents.

Dated: 4.6.2004

Hon'ble Rajesh Tandon J.

Heard the learned counsel for the parties at length.

By the present writ petition, the petitioner has prayed for the issue of a writ in the nature of mandamus commanding the respondents to remove the disparity in the pay scale for the post of Plant Protection Mechanic and Field Mechanic serving in the Agriculture Department of the State Government.

According to the petitioner he was appointed on regular basis on the post of Plant Protection Mechanic in the Plant

Protection Section of Agriculture Department on 16.10.1975. The petitioner has stated that earlier, the mechanics serving in the Agriculture General or Plant Protection Section of the Department were being paid salary in the scale of Rs. 75-120 up to the year 1964. In the year 1966, the Finance Department of the State Government issued one G.O. dated 28.2.1966 which provided that such Mechanics who possessed High School qualification along with I.T.I. certificate shall be paid the pay scale of Rs.120-220 and those who do not possess the said qualification shall be given the pay scale of Rs.100-180. The petitioner has stated that he was appointed against the post of Plant Protection Mechanic which was created vide G.O. dated 19.4.1975 and the pay scale of said post was 230-300. According to the recommendation of Samta Samiti U.P. 1989 a number of posts which required higher degree of skill wre given the pay scale of 975-1660. The petitioner has further stated that pay scale for the post of Mechanic in the Agriculture Department was fixed as 975-1660 and no distinction was made between the mechanics serving in the Plant Protection Section and the Agriculture General Section as per G.O. dated 9.8.1989.

The grievance of the petitioenr is that despite the categorical stipulation made in the G.O. dated 9.8.1989 the pay scale of 950-1500 was given to the petitioner for the post of mechanic in Plant Protection Section of Agriculture Department while the Mechanics serving in the Agriculture General section were given the pay scale of Rs.975-1640. The revised pay scales were given to all State Government employees from 1.1.1986.

The petitioner has submitted that a similar writ petition has been decided by Hon. Mr. Justice I.P. Vashisth of Allahabad High Court in Writ Petition No. 4985 (SS) of 1993 (Ram Sewak

Dwivedi vs. State of U.P. and others) and pursuant to the said judgment, the pay of Sri Ram Sewak Dwivedi and one Sri Sayyed Rasheed Ahmad was fixed in the pay scale of 120-220 with effect form the date of their appointment in the year 1972 and further pay scale of 975-1660 was granted to them form 1.1.1986. The petitioner also annexed a copy of the order in relaton of Sri Saiyad Rasid Ahamad.

The petitioner has also placed reliance to the Office Memorandum dated 24th September 1999 which is annexed as RA-03 with the writ petition, issued by the Joint Director of Agriculture, Lucknow. The relevant paragraph of the said office memorandum is quoted below:

संदर्भित रिट याचिका पर मा0 उच्च न्यायालय के निर्णय दिनांक 8.4.1997 का परिपालन सुनिश्चित किए जाने के सम्बन्ध में शासन के आदेश दिनांक 18.6.99 के परिपालन में तत्कालीन उप निदेशक कृषि रक्षाक्रउत्तर प्रदेश लखन{ के नियुक्ति आदेश 3351/तीन–7/कृ0र0 दिनांक जुलाई 1972 में उल्लिखित वेतनमान 80–3–95 द0रो0 3–110 द0रो0 3–140 को आंशिक रूप से संशोधित करते हुए उक्त वेतनमान के स्थान पर वेतनमान 120–6–150 दं0रो0 6–180 द0रो0 8–220 किया जाता है। यह संशोधन आदेश केवल वेतनमान की सीमा तक ही संशोधन समझा जाए।

The learned counsel for the petitioenr further placed reliance on the Government Order dated 25th July 2002. It has been provided in the G.O. that pay scale of 120-220 be given to the post of Krishi Raksha Yantrak for which educational qualification is High School and I.T.I. diploma. The relevant extract of the G.O. is quoted below:

उपर्युक्त विषयक अपने कार्यालय के पत्र संख्या 192 कृ.र.या. दिनांक 23.4.2002 का कृपया संनदर्भ ग्रहण करें जिसके द्वारा कृषि रक्षा यात्रिकों जिनकी योग्यता हाई स्कूल एवं आई0टी0आई0 डिप्लोमा है को वेतनमान 80–140 के स्थान पर वर्ग 3 के समतुल्य वेतनमान 120–220 में संशोधन करने हेतु शासकीय अनुमति प्रदान किये जाने का अनुरोध किया गया है।

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उपर्युक्त वर्णित तथ्यों के परिप्रेक्ष्य में आपसे अनुरोध है कि कृपया कृषि रक्षा यांत्रिक संवर्ग में कार्यरत कर्मचारियों में से हाई स्कूल एवं आई.टी.आई. शैक्षिक अर्हता प्राप्त कर्मचारियों की पद का वेतनमान 80–140 के स्थान पर वर्ग 3 के समतुल्य वेतनमान संप्रोधित करने के संदर्भ में समय समय पर निर्गत आदेप्रों के अनुपालन में उक्त कर्मिकों को वेतनमान दिये जाने के सम्बन्ध में कार्यवाही अपने स्तर से सुनिप्रिचत करें एवं कृत कार्यवाही से शासन को अवगत करायें।

The petitioner has submitted that he has made a representation to the respondents on 28.4.2001, copy of which is annexure-8 to the writ petition but the said representation has not been decided by the respondents till now.

The respondents are directed to decide the representation of the petitioner in the light of the office Memorandum dated 24th September 1999 and G.O. dated 25th July 2002, with a reasoned order within one month after the receipt of the certified copy of this order.

Consequent, to the above observations the writ petition is disposed of. No order as to costs.

(Rajesh Tandon J.)

4.6.2004

*Dhyani